In the High Court of Punjab and Haryana at Chandigarh.

Regular Second Appeal No.3383 of 2006.

Date of decision:5.9.2006.

Nihal Singh.

...Appellant.

Versus

Punjab State Electricity Board and others.

...Respondents.

...

Coram: Hon'ble Mr. Justice S. N.Aggarwal.

...

Present: Mr.Tarunveer Vashishat Advocate for the appellant.

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Judgment.

S.N.Aggarwal, J.

Nihal Singh filed application No.7701/149 dated 20.1.1981 with the Punjab State Electricity Board (in short P.S.E.B) for getting tubewell connection under the REC scheme. He deposited the amount of security. He got the electric connection for the tubewell in the land comprised in Khasra No.64/14 (5-11). He requested the respondents to issue him regular account number as well as pass book which was denied on which he filed suit for mandatory injunction against the respondents.

The version of the respondent was that Nihal Singh had not pursued his case. After depositing the amount of security, he slept over the matter. He re-applied on 5.2.1990. Test was conducted on 20.1.1994 and he was allotted electric connection on 14.2.1997 under account No.DA-307. Since the appellant had failed to pursue his previous application and failed to deposit the amount,therefore, he was not entitled to regular account number/pass book.

Issues were framed.

The parties led the evidence.

The learned trial Court vide judgment and decree dated 13.9.2005 dismissed the suit.

The appellant filed the appeal. The learned Lower Appellate Court up-held the finding of fact recorded by the learned trial Court and dismissed the appeal vide judgment and decree dated 27.7.2006.

Both the Courts below have recorded finding of fact that the appellant had not taken further steps in pursuance of his application submitted in the year 1981 with the P.S.E.B. He has also failed to deposit the necessary amount in pursuance of demand notice. Since the appellant himself was negligent in pursuing his case and had failed to fulfil the necessary conditions, therefore, there is nothing on the file to up-set concurrent finding of fact recorded by the Courts below.

No merit.

Dismissed

September 5,2006. (S. N. Aggarwal)
Jaggi Judge